

## **REMARKS/ARGUMENTS**

### **1.) Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Partos, *et al.* (U.S. Patent Publication No. 2002/0023006). Applicant respectfully disagrees.

Partos discloses an electronic commerce system that permits a customer to place an order or request various services, such as respond to a complaint or inquiry, to a seller through a sales information coordinating organization without directly contacting the seller. The invention also relates to a method of electronic transaction using such a system. The invention provides an electronic commerce system which includes customers' terminals and a sales information coordinating organization connected to the system through a network. Each customer's terminal is provided with a system to request provided information to specify a seller or sellers, items and their prices to be provided by the seller(s). A system to input customer information and order information that serves to specify a transaction item or transaction items, along with a system to transmit customer information and order information to the sales information coordinating organization facilitates communication. (Partos, Abstract)

Applicant respectfully asserts that a prima facie case of anticipation has not been proven by the Examiner. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). To establish anticipation, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001).

Independent claim 1 recites the following elements: a first user, a first service manager, a second service manager, and a second user. Here, a prima facie case of anticipation has not been met since the Examiner has only pointed out where Partos allegedly teaches "a first user" (Partos element 2), "a first service manager" (Partos element 4), and "a second user" (Partos element 1). The Examiner does not specifically

point out where Partos teaches "a second service manager". As such, since it has not been shown by the Examiner that Partos teaches "a second service manager", the Examiner has also not shown where Partos teaches: 1) "the first service manager performing a signal exchange over a secure communications channel with a second service manager that controls said second operations in a second user private domain, the signal exchange at least comprising an identification of the at least partly determined second operation", 2) "the second user, at receipt of said message, responding to the second service manager including at least a type of response and service parameters, whereupon the first and second service managers uniquely determine the second operation", and 3) "the first and second service managers controlling coordinated said operations in the first and second user domains, the operations comprising said first and second operations if the type of response indicates approval to the second operation and otherwise predetermined actions associated with said type of response". (emphasis added) Unless the Examiner shows where Partos teaches the operations performed by the second service manager and the interactions between the second service manager, the first service manager, and the second user, the present rejection amounts to nothing more than a general allegation of unpatentability.

Similarly, Partos also fails to teach "a similar network node", as recited in independent claim 10. As such, Partos also fails to teach "means for data exchange with a similar network node for processing end user messages" and "means for transmitting, in response to receiving a confirmation message from said similar network node, said first and second operations to said at least a service node for execution of said first and second operation".

In light of the foregoing, Applicant asserts that claims 1 and 10 are patentable over the cited art. Claims 2-9 are patentable at least by virtue of depending from their respective base claim.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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